

HOUSE BILL 1916
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 10, relative to liability for alcohol related injuries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-10-101, is amended by deleting such section in its entirety and substituting instead the following:

57-10-101. The general assembly hereby finds and declares that the consumption of any alcoholic beverage or beer rather than the furnishing of any alcoholic beverage or beer is the proximate cause of injuries inflicted upon another by an intoxicated person except in such cases where a person knowingly furnishes any alcoholic beverage or beer to a person under the age of twenty-one (21) years or knowingly furnishes any alcoholic beverage or beer to a visibly intoxicated person.

SECTION 2. Tennessee Code Annotated, Section 57-10-102, is amended by deleting such section in its entirety and substituting instead the following:

57-10-102. Notwithstanding the provisions of § 57-10-101, no judge or jury may pronounce a judgment awarding damages to or on behalf of any party who has suffered personal injury or death against any person who has sold any alcoholic beverage or beer or who has knowingly furnished any alcoholic beverage or beer to a person under the

age of twenty-one (21) years or to a visibly intoxicated person, unless such jury of twelve (12) persons has first ascertained beyond a reasonable doubt that the sale or furnishing by such person of the alcoholic beverage or beer was the proximate cause of the personal injury or death sustained and that such person:

(1) Sold or furnished the alcoholic beverage or beer to a person known to be under the age of twenty-one (21) years and such person caused the personal injury or death as the direct result of the consumption of the alcoholic beverage or beer so sold or furnished; or

(2) Sold or furnished the alcoholic beverage or beer to an obviously intoxicated person and such person caused the personal injury or death as the direct result of the consumption of the alcoholic beverage or beer so sold or furnished.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.